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Message Text

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22
ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CCO-00 CIAE-00 OTPE-00 FCC-02

INR-07 NSAE-00 OC-05 USIA-15 COME-00 BIB-01 L-03 H-02

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R 261645Z APR 76
FM AMEMBASSY ROME
TO SECSTATE WASHDC 7186

UNCLAS ROME 6729

E.O. 11652 N/A
TAGS: ETEL, IT
SUBJ: AMATEUR RADIO AGREEMENT

REF: (A) ROME 5644, (B) STATE 76587, (C) 75 STATE 161769,
(D) 75 STATE A-4061

1. MINISTRY OF FOREIGN AFFAIRS TRANSMITTED BY APRIL 15
NOTE VERBALE A REVISED DRAFT AGREEMENT COVERING RECIPROCAL
LICENSING OF AMATEUR RADIO OPERATORS. DRAFT TEXT (EMBASSY
TRANSLATION) AS FOLLOWS:

BEGIN TEXT.

THE GOVERNMENT OF THE REPUBLIC OF ITALY AND THE GOVERN-
MENT OF THE UNITED STATES OF AMERICA, FOR THE PURPOSE OF
ALLOWING THE RECIPROCAL CONCESSION OF AUTHORIZATIONS TO
RADIO AMATEURS OF BOTH COUNTRIES, IN POSSESSION OF A
LICENSE, TO OPERATE THEIR OWN STATIONS IN EITHER COUNTRY, IN
ACCORDANCE WITH THE PROVISIONS OF ART. 41 OF THE INTER-
NATIONAL REGULATIONS OF RADIO COMMUNICATIONS- GENEVA 1959,
HAVE AGREED AS FOLLOWS:

1) THE CITIZEN PROVIDED WITH A RADIO AMATEUR LICENSE
ISSUED BY THE GOVERNMENT OF HIS OWN COUNTRY, WHO IS
STAYING IN THE TERRITORY OF THE OTHER COUNTRY FOR A
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PERIOD NOT LESS THAN ONE YEAR, MAY OBTAIN FROM THE

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OTHER GOVERNMENT A TEMPORARY AUTHORIZATION TO OPERATE
AN AMATEUR RADIO STATION FOR A MAXIMUM DURATION OF
THREE MONTHS, ELIGIBLE FOR RENEWAL.

2) THE CITIZEN RESIDING PERMANENTLY IN THE TERRITORY OF
THE OTHER COUNTRY (FOR A PERIOD OVER ONE YEAR), IN
POSSESSION OF A LICENSE ISSUED BY HIS OWN GOVERNMENT,
MAY BE PERMITTED TO OPERATE AN AMATEUR RADIO STATION
BY FOLLOWING THE SAME PROCEDURE SET FORTH BY THE AP-
PROPRIATE AUTHIRITIES FOR THEIR OWN CITIZENS AND THUS
OBTAIN THE ASSIGNMENT OF ITS RESPECTIVE REGISTERED
NAME (CALL SIGN).

UPON RE-ENTRY IN THE COUNTRY OF APPURTENANCE, THE
LICENSE HOLDER OF THE CONCESSION SHALL RETURN THE
SAME TO THE ISSUING AUTHORITY.

3) THE APPROPRIATE ADMINISTRATIVE AUTHORITY OF EACH GOVERN-
MENT RESERVES THE RIGHT OF ESTABLISHING ANY OTHER
TECHNICAL AND ADMINISTRATIVE CONDITION INCLUDING THE
RIGHT OF RESCISSION, AT ANY MOMENT, OF THE AUTHORIZATION
ITSELF.

4) THE AGREEMENT SHALL BECOME EFFECTIVE UPON SIGNATURE
AND MAY BE RESCINDED UPON SIX MONTHS NOTICE IN WRITING.

SIGNED AND SUBSCRIBED... IN ON , IN
TWO COPIES IN THE ITALIAN AND ENGLISH LANGUAGE, BOTH TEXTS
BEING EQUALLY VALID.

FOR THE GOVERNMENT OF FOT THE GOVERNMENT OF
THE REPUBLIC OF ITALY THE UNITED STATES

END TEXT.

2. COMMENT: EMBASSY NOTES THAT GOI TEXT APPEARS TO MEET
MOST OBJECTIONS TO ORIGINAL GOI SUBMISSION WITH EXCEPTION
THAT (A) ITALIAN DRAFT CONTINUES TO DISCRIMINATE BETWEEN
TEMPORARY AND PERMANENT RESIDENTS AND (B) FOR TEMPORARY RESI-
DENTS, LIMITS THE DURATION OF PERMISSION RENEWABLE TO OPERATE
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TO THREE MONTHS. IT WOULD BE POSSIBLE TO ARGUE ONCE AGAIN
THAT SUCH PROVISIONS IN ITALIAN TEXT NUMBERED PARA 1 ARE IMPLICIT
IN THE PROVISIONS OF ITALIAN TEXT NUMBERED PARA 3; I.E., IF
GOI SWISHES TO DISCRIMINATE ACCORDING TO LENGTH OF STAY,
NUMBERED PARA 3 GIVES GOI AMPLY AUTHORITY TO DO SO. HOWEVER,
SINCE THIS CONDITION HAS BEEN INCLUDED IN BOTH GOI DRAFTS, IT
PRESUMABLY RESPONDS TO PROVISIONS OF ITALIAN LAW DISCRIMINATING
BETWEEN TEMPORARY AND PERMANENT RESIDENTS. OBVIOUSLY, GOI

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WOULD HAVE DIFFULTY APPROVING AN AGREEMENT NOT RPT NOT
EMBODYING SIMILAR LANGUAGE. IN ITS CONSIDERATION OF A RESPONSE
TO THE ITALIAN DRAFT, DEPARTMENT AND FCC MAY WISH TO CONSIDER
TWO ALTERNATIVES: (A) INSISTING ON DELETION RISKING FURTHER
LONG DELAYS (ORIGINAL US REQUEST WAS SUBMITTED IN 1973)
AND PROBABILITY OF CONTINUED CONGRESSIONAL INTEREST (I.E.
REF B) OR (B) MODIFYING TEXT IN SOME MANNER TO RETAIN ITALIAN
LANGUAGE BUT MAKING APPLICATION OF PROVISIONS DISCRIMINATING
ON BASIS OF RESIDENCE DISCRETIONARY.

3. ITALIAN LANGUAGE TEXT BEING POUCHED.VOLPE

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